DETAILED ACTION

Response to Amendment

1. In response to the office action mailed on 7/22/09, applicant filed an amendment on 10/22/09. No claims were added or cancelled. The pending claims are 1, 3-9, 11-13.

Response to Arguments

Note: After the phone conversation that clarified the typo error made by the examiner and the validity of the double patenting rejection (see interview summary of 12/9/09). The examiner has been in contact with applicant's attorney, Paul Bobowiec, with regard filing a Terminal Disclaimer. As stated by applicant's attorney, it seems that there is an issue from the part of applicant (assignee related). As of now, the same double patenting rejection is repeated below.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of US Patent 6,638,317 and of US Patent **6**,963,830. Although the conflicting claims are not identical, they are not patentably distinct from each other because all claims present the same subject matter of detecting a hierarchical structure of topics in a given document by detecting a set of topic boundaries of a document based on lexical cohesion degree, extracting keywords regarding each detected topic, and presenting the result to the user. The only difference between the three claims is the wording of the common subject matter such as generating a text summary, as in the current application and US Patent **6**,963,830, and generating a digest, as in US Patent 6,638,317. Also, claim 1 of the current application recites the detail of repeating the process of detecting a set of topic boundaries of a document based on lexical cohesion degree with each of a plurality of window widths, while US Patent 6,638,317 and US Patent **6**,963,830 do not recite such detail. However, it would have been obvious to a person of ordinary skill in the art to repeat the said detecting process in order to extract the target words and topics from a plurality of documents and document's hierarchical layers.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 571-272-7638. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Abdelali Serrou/
Examiner, Art Unit 2626

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626